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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Planning Commission**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> November 10, 2005	<b>CONTACT/PHONE</b> Terry Wahler, 781-5621	<b>APPLICANT</b> James Cushman	<b>FILE NO.</b> AGP2005-00008						
<b>SUBJECT</b> Proposal by James Cushman to alter and expand the boundaries of an adjacent agricultural preserve to include this site to enable the landowner to enter into a land conservation contract. The project site consists of 78 acres within the Agricultural land use category and is located at 1515 Willow Creek Road approximately 5.5 miles northwest of Templeton. The site is located in the Adelaida planning area.									
<b>RECOMMENDED ACTION</b> Recommend approval of this request: <table style="width: 100%;"><tr><td style="width: 40%;"><b>Preserve Designation:</b></td><td><b>Templeton Agricultural Preserve No. 6 Amendment No. 2</b></td></tr><tr><td><b>Minimum Parcel Size:</b></td><td><b>160 Acres</b></td></tr><tr><td><b>Minimum Term of Contract:</b></td><td><b>20 years</b></td></tr></table>				<b>Preserve Designation:</b>	<b>Templeton Agricultural Preserve No. 6 Amendment No. 2</b>	<b>Minimum Parcel Size:</b>	<b>160 Acres</b>	<b>Minimum Term of Contract:</b>	<b>20 years</b>
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<b>ENVIRONMENTAL DETERMINATION</b> Categorical Exemption (Class 17)									
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 039-031-008	<b>SUPERVISOR DISTRICT(S)</b> 1						
<b>PLANNING AREA STANDARDS:</b> None Applicable		<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.22.040—Minimum parcel size for agriculture category							
<b>EXISTING USES:</b> Residence, agricultural accessory structures, vineyard, dry farm									
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <table style="width: 100%;"><tr><td style="width: 50%;">North: Agriculture/ Orchards, Dry Farm</td><td style="width: 50%;">East: Agriculture/ Orchards, Dry Farm</td></tr><tr><td>South: Agriculture/ Orchards, Dry Farm</td><td>West: Agriculture/ Vineyard, Dry Farm</td></tr></table>				North: Agriculture/ Orchards, Dry Farm	East: Agriculture/ Orchards, Dry Farm	South: Agriculture/ Orchards, Dry Farm	West: Agriculture/ Vineyard, Dry Farm		
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<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> None									
<b>TOPOGRAPHY:</b> Moderately sloping		<b>VEGETATION:</b> Oak woodland in uncultivated areas							
<b>PROPOSED SERVICES:</b> None required		<b>ACCEPTANCE DATE:</b> August 31, 2005							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242									

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## PROJECT REVIEW

### Background

A property owner, James Cushman, requested that staff assess his property to see if it would be eligible for the Williamson Act Program. Typically staff pre-reviews all requests to apply for the program to see if they would meet the basic requirements of the Rules of Procedure before the applicants file an application. In this case the combination of soils, acreages in agricultural uses, and overall property size would not qualify without relying on an existing adjacent preserve for the site's preserve size. An additional consideration is that the adjacent preserve consists of two ownerships; one property ownership is under a land conservation contract but the property ownership abutting the site never entered into a land conservation contract.

Because of these issues, staff felt that the request should first be discussed at the Agricultural Preserve Review Committee (APRC) for broader review and consideration by the Committee. APRC members considered the pre-application request and recommended that the applicant submit an application for formal consideration at the September APRC meeting.

### Site and Area Characteristics

Agricultural preserves and contracts are generally somewhat scattered in this area. The site is adjacent to Templeton Agricultural Preserve No. 6, consisting of two separate ownerships, however the abutting property is not under a land conservation contract

The property consists of approximately 78 acres. Approximately 12 acres are planted in irrigated vineyard, 8.5 acres are on Class II soils and approximately 3.5 acres are located on Class VI soils. Another 27.5 acres are used for dry farm grain and another 38.5 acres would be suitable for but are not currently used for grazing land. Although there are a total of 24.5 acres of Class II soils, only 8.5 acres of the Class II soils are planted in irrigated vineyard.

### Soils Evaluation

The following table shows the Natural Resources Conservation Service soils ratings of the site:

Land Capability Class		Irrigated Crop	Rangeland Suitability	Dry Farm Suitability	Total Acres
If Irrigated	If Non-Irrigated				
II	IV	Irr. Vineyard	NA	NA	8.5
II	IV	Not Irrigated	NA	NA	16
NA	VI	NA	Well Suited	Suited	40
NA	VI	NA	Well Suited	Not Suited	13.5
Total					78

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

### **Compliance with the Agricultural Preserve Rules of Procedure**

Although the site is 78 acres in size, the site would not meet the minimum eligibility requirements for a primeland agricultural preserve because it lacks 20 acres of an irrigated land use. The site would not meet the minimum eligibility requirements for a rangeland agricultural preserve because it lacks the required 100 acres of land well suited as rangeland. Therefore the site must use the provision in the Rules of Procedure that allows an applicant to expand an existing adjacent preserve to meet the minimum preserve size requirements.

Appendix E of the Rules of Procedure establishes procedures for determining qualification and minimum parcel sizes for land with mixed agricultural potential or use. The site has irrigated vineyard, dry farm and grazing land capability. The mixed use calculation for this property is as follows:

Agricultural Use/Land Capability	Acres	Minimum Parcel Size	Fractional Proportion
Irrigated Class II (vineyard)	8.5	10	0.85
Irrigated Class VI (vineyard)	3.5	20	0.18
Class VI Dry Farm	27.5	100	0.28
Class VI Rangeland	38.5	100	0.39
Total	78		1.70

This property meets the qualification requirements for an individual ownership based on the mixed use test because the fractional portions of different land capability is more than one.

Appendix E of the Rules of Procedure also establishes procedures for determining minimum parcel sizes for land with mixed agricultural potential or use. The mixed use calculation for this property is as follows:

Agricultural Use/Land Capability	Agricultural Use	Acres	Minimum Parcel Size	Computational Factor
Irrigated Class II	Irrigated Vineyard	8.5	40	0.21
Irrigated Class VI	Irrigated Vineyard	3.5	40	0.09
Non-irrigated Class VI	Dry Farm	27.5	320	0.09
Non-irrigated Class VI	Rangeland	38.5	320	0.12
Total		78		0.51

The property size of 78 acres divided by 0.51, the total fractional proportions, is 152.94, which is rounded up to a 160 acre minimum parcel size category in Table 1 of the Rules of Procedure. The appropriate term is 20 years, the standard term for new contracts.

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### **Agricultural Preserve Review Committee**

The Review Committee meeting was held from 1:30 to 4:00 p.m. on September 19, 2005, at the U.C. Cooperative Extension auditorium in San Luis Obispo. The agenda included one request to expand an existing adjacent agricultural preserve to enable an applicant to enter into a land conservation contract; one request to establish a new agricultural preserve to enable an applicant to enter into a land conservation contract; two requests to expand an existing agricultural preserve to enable an applicant to rescind an existing contract and enter into new expanded land conservation contracts; two requests to rescind a single contract and simultaneously enter into new contracts; a correction of the minimum parcel size provision for a previously approved preserve and contract amendment; a partial notice of nonrenewal for Carl Linn; and a discussion of the Tompkins Property Notice of Proposed Public Acquisition of Land in Agricultural Preserve and Contract.

Voting members of the Review Committee present were Don Warden (Agricultural Liason Committee), Wayne Jensen (Farm Advisor), Hugh Pitts (Farm Bureau), Ed Carson (Land Conservancy of San Luis Obispo County), Robert M. Sparling (Public-at-Large Member, was absent for item 3, arriving for item 4), Lynda Auchinachie (County Agricultural Commissioner's Office), Sara Sylwester (County Assessor), and Warren Hoag (County Planning and Building Department).

Absent from the meeting were representatives of the Farm Service Agency, Cattlemen's Association, and Environmental Organization Member. The meeting was chaired by Warren Hoag. Staff reports were presented to the committee by Terry Wahler and Andrea Miller of the Planning and Building Department.

The applicant, James Cushman, was present for this item. Staff noted that this item had been discussed as a pre-application request at the July Agricultural Preserve Review Committee meeting where it was recommended that the applicant file a formal application for consideration at the next meeting. Staff described the applicant's request and summarized the staff report including the current agricultural use and the suitability of the soils for the intended agricultural use. Review Committee members and staff briefly discussed the site, the proposal and the agricultural uses.

Following the discussion, Ed Carson moved that the committee recommend approval of the request. This motion was seconded by Sara Sylwester and approved by the Review committee 8 to 0.

Recommend approval of this request to alter and expand the boundaries of an agricultural preserve to enable the applicant to enter into a land conservation contract, to the Board of Supervisors:

**Preserve Designation:**      **Templeton    Agricultural    Preserve    No.    6**  
**Amendment No. 2**

**Minimum Parcel Size: 160 Acres**

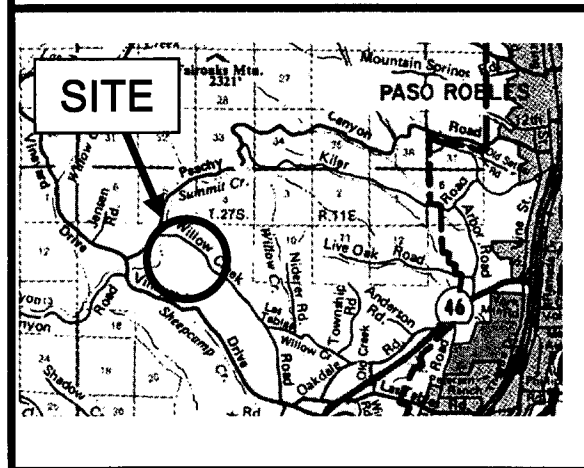
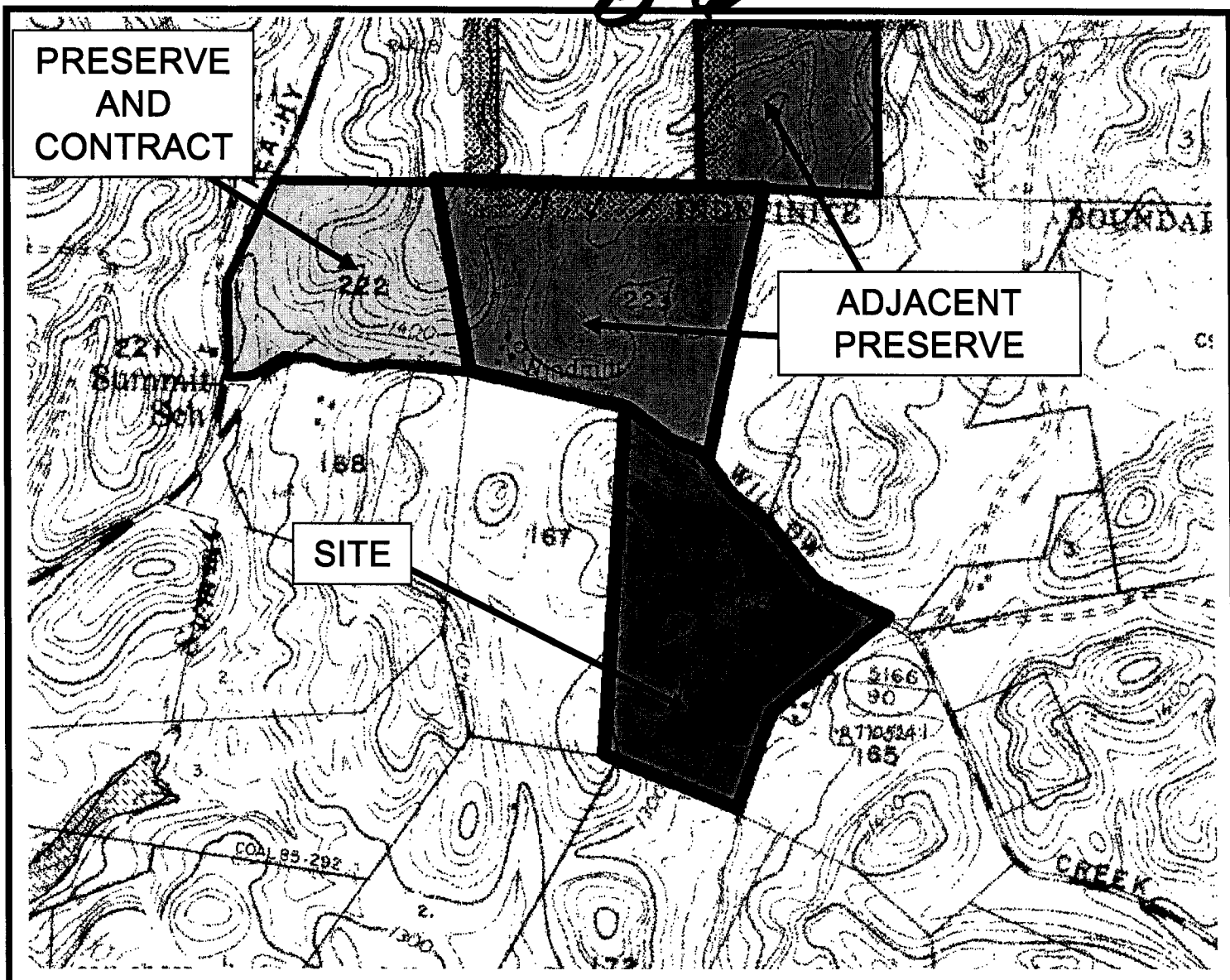
**Minimum Term of Contract: 20 Years**

## FINDINGS

- A. The proposed alteration and expansion of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element and the Agricultural and Open Space Element, and the county's Rules of Procedure to Implement the California Land Conservation Act of 1965.
- B. The proposed alteration and expansion of this agricultural preserve is appropriate and consistent with the character of the surrounding area.

Report prepared by Terry Wahler  
and reviewed by Warren Hoag, Division Manager  
Agricultural Preserve Program

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## EXHIBIT A: Templeton Agricultural Preserve No. 6 Amendment No. 2



Subject Parcel: APN 039-031-008



Templeton Agricultural Preserve No. 6  
(Not Under Contract)



Templeton Agricultural Preserve No. 6,  
Amd. No. 1 (Under Contract)

### EXHIBIT A

Altering and Expanding the Boundaries of an Existing Agricultural Preserve

File No. AGP2005-00008 - James Cushman

Minimum Parcel Size: 160

Minimum Term of Contract: 20 years

Resolution No.

Date: